

JANUARY 24, 2006 AGENDA REPORT

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Agenda Item No. 5.

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City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0055

TO: Mayor and City Council Members

SUBJECT: Petitions to construct Paving, Sanitary Sewer, Drainage and Water Improvements in Whispering Lakes Estates Addition (south of Harry, west of 159th St. East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner representing 100% of the improvement districts.

Analysis: The projects will provide paving, sanitary sewer, drainage and water improvements within a residential development located south of Harry, west of 159th St. East.

Financial Considerations: The Petitions total \$806,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions, adopt the Resolutions and authorize the necessary signatures.

Agenda Item No. 7.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0056

TO: Mayor and City Council Members

SUBJECT: Street Closure: Lewis St. between Main and Wichita (District I)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the street closure.

Background: Work is continuing on the Waterwalk Project improvements and will soon require the closure of a section of Lewis St. between Main and Wichita. On January 20, 2006 the City will open bids for utility infrastructure relocation/installation in the area bounded by Waterman, Main, Dewey, and Wichita streets. Pending the acceptance of a successful bidder, Lewis St. between Main and Wichita is expected to be closed approx. February 1, 2006. A portion of Water St. south of Waterman will remain open to traffic from Waterman to allow access to the parking lot on the southeast corner of Wichita and Waterman.

Analysis: Until the Waterwalk improvements require the construction of the new street alignment between Lewis and Waterman, eastbound Lewis St. traffic will be allowed to turn south on Wichita St. to access Gander Mountain while normal eastbound through traffic will be encouraged to turn north on Wichita St. toward the Hyatt Hotel and use Waterman St. and Main to return to Lewis St. Westbound Lewis St. traffic will be encouraged to turn north on Main to Waterman and then back south on Wichita St. to Lewis St. just east of the river.

The successful bidder for this infrastructure work will be responsible for the advance signing, barricades and other related traffic control during this project.

Financial Considerations: None.

Legal Considerations: None

Recommendation/Action: It is recommended that the City Council approve the street closure.

- Agenda Item No. 9A.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0057

TO: Mayor and City Council

SUBJECT: North Area Sanitary Sewer – Supplemental Agreement No. 2 (District VI)

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendations: Approve Supplemental Agreement No. 2 with MKEC Engineering Consultants, Inc. for the North Area Sanitary Sewer.

Background: On September 14, 2004, the City Council approved a Contract with MKEC Engineering Consultants, Inc. to provide engineering and design services for the North Area Sanitary Sewer. The North Area Sanitary Sewer will serve an area bound by West Street, the Little Arkansas River on the east, one-half mile north of 61st Street and approximately one-fourth mile south of 53rd Street North.

- **Analysis:** Staff recommends that an alternative pipe sizing and pipe profile be formulated for purposes of bidding, and if the alternative is selected, use the alternative for construction. Larger pipe sizing and a flatter profile would serve a larger portion of the basin to the west. MKEC Engineering Consultants will do the engineering services required for this option.

- **Financial Considerations:** The cost for the North Sanitary Sewer Area Supplemental Agreement No. 2 is \$7,500. The construction of this project will begin in 2006 with funds available in Mains for Future Development (CIP S-5), Sewer Utility cash, or future revenue bonds.

Legal Considerations: The Law Department has reviewed and approved the Supplemental Agreement as to form.

Recommendation/Actions: It is recommended that the City Council approve the Supplemental Agreement with MKEC Engineering Consultants, Inc. and authorize the necessary signatures.

Agenda Item # 9B.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0058

- **TO:** Mayor and Members of the City Council

SUBJECT: Selection of Consulting Firm-International Trade Processing Center Study

INITIATED BY: Finance Department

AGENDA: Consent

- **Recommendation:** Approve agreement.

Background: Under the federal 2004 Consolidated Appropriations Act, the City of Wichita received a \$1,000,000 Congressional Earmark for a feasibility study and work plan for an International Trade Processing Center. These funds are issued by the Federal Highway Administration and are provided through the Kansas Department of Transportation (KDOT) to the City. On March 8, 2005, the City Council approved the grant agreement with the Kansas Department of Transportation. The KDOT Agreement authorizes the City to select a consultant and implement a feasibility study.

Analysis: The City conducted outreach meetings with public and private organizations, including, but not limited to: Kansas World Trade Center; Sedgwick County; Regional Economic Area Partnership (REAP); Greater Wichita Economic Development Coalition (GWDEC); Visioneering; the Kansas Department of Commerce; and the U.S. Department of Commerce. These meetings provided input for the work tasks to be undertaken by the consultant.

Public Notices of the formal competitive Request for Proposal (RFP) were mailed to 28 different local and national firms. Issuance of a formal notice of the RFP was published in the Wichita Eagle on August 12, 2005 and the Public Notice was posted on the City's Electronic Procurement web site for approximately 1.5 months. The City Manager appointed a formal Screening and Selection Committee comprised of City Council Members Bob Martz and Sharon Fearey and City staff from economic development, finance, planning and airport. Also included on the Selection Committee were representatives from Sedgwick County, Kansas World Trade Center and the Wichita Area Chamber of Commerce.

The Screening and Selection Committee reviewed the proposals and voted to interview the top two firms. These firms made detailed presentations to the Screening and Selection Committee on November 28, 2005. The bids for the two firms were \$950,000 for TranSystems and \$754,051 for PB Consult, Inc. The Screening and Selection Committee requested staff secure additional clarification from TranSystems regarding their financial proposal. It was determined that TranSystems had the lowest cost base bid at \$669,599.50. The Screening and Selection Committee recommends the contract be awarded to TranSystems for the base bid and additional services totaling \$908,325.

The Selection Committee believed the TranSystems' proposal had a much stronger Community Outreach Component to help the Wichita Community and South Central Kansas participate more fully and provide more meaningful input to the feasibility study. The Selection Committee also indicated the TranSystems' proposal showed an entrepreneurial approach and was much stronger in communication and advocacy for South Central Kansas access to international markets. TranSystems also offered to solicit additional funding to implement study recommendations.

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The City will coordinate the management of the study and work plan with area groups and the consultant will evaluate the economic feasibility and develop a work plan for implementing an International Trade Processing Center – a high tech inland processing and distributing Center and Warehouse. The consultant will determine the feasibility of such an inland port, identify key partners, facility and infrastructure needs/costs, configuration and layout, funding and potential sites, customs and security requirements, development costs and other important aspects of such a trade processing facility.

The specific tasks the consultant will undertake include:

- ➤ Survey user needs and support for a trade processing (and warehousing) center and develop an operations concept based on the survey results;
- ➤ Create an operational design for a trade processing center and model various physical features and business service offerings based on the survey;
- ➤ Create a strategy and development plan for a South Central Kansas international trade processing center and related facilities;
- ➤ Coordinate with other agencies, including governments and organizations, in the development of infrastructure and technology needs;
- ➤ Identify financial support needed from beneficiaries from the improvement of trade and transportation facilities and operational requirements.

Financial Considerations: The total contract amount will not exceed \$908,325. The City has KDOT grant funds of \$963,190 approved and budgeted for the feasibility study. No local matching funds are required.

Legal Considerations: The contract has been reviewed and approved as to form by the Department of Law.

Recommendation/Action: It is recommended the City Council approve the contract and authorize the Mayor to sign.

Agenda Item No. 9c.

**City of Wichita
City Council Meeting
January 24, 2006**

Agenda Report No. 06-0059

TO: Mayor and City Council Members

SUBJECT: Brooks Landfill Air Permit Project Amendment No. 2 with Camp Dresser & McKee (District VI).

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve Amendment No.2 to the Agreement with Camp Dresser & McKee

Background: On July 1, 2003 the City Council approved an Agreement between the City and Camp Dresser & McKee (CDM) to provide for engineering services for the development of a permit application for a Title V Air Permit for the Brooks Landfill site. A Change Order dated May 1, 2005 provided for an adjustment to the scope of services at no net cost increase. Amendment No. 1 in the amount of \$ 7,500 was approved by the City Council on June 14, 2005.

Analysis: Amendment No. 2 provides for additional services by the Consultant (CDM) to prepare the permit mandated New Source Performance Standard (NSPS) report. The NSPS report and the Annual Compliance Certification are both due by January 31, 2006. A Request for

Proposals is being prepared to solicit consulting services for the preparation of these reports on an ongoing basis.

Financial Considerations: The total not-to-exceed cost of Amendment No. 2 is \$12,500. The cost estimate for the New Source Performance Standard (NSPS) report and the Annual Compliance Certification is \$5,000 and \$7,500 respectively. The original agreement was for \$45,200. Amendment No. 2 will bring the total amount of the agreement to \$ 65,200.

Legal Considerations: The Law Department has approved Amendment No. 2 as to form.

Recommendations/Actions: It is recommended that the City Council approve Amendment No. 2 and authorize the appropriate signatures.

Agenda Item No. 9d.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0060

TO: Mayor and City Council Members

SUBJECT: Agreement for 13th Street North from K-96 Bypass to 159th Street East (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The Public Works Department for Sedgwick County intends to pave 13th Street from K-96 to 159th Street East, with construction to begin in the first quarter of 2006. Utility adjustments, relocations, and extensions in advance of the Sedgwick County improvement, are necessary. Such utility work includes the design and construction of water lines and sanitary sewers in the area of the paving project.

Analysis: The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of the water lines and sanitary sewer lines necessary to clear the paving project. Construction of the proposed utility work ahead of the paving project will reduce the utility project costs and minimize disruption of the area.

Financial Considerations: Payment to PEC will be on a lump sum basis of \$43,500, and will be paid by Water and Sewer Utility.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item 9e.

**City of Wichita
City Council Meeting
January 24, 2006**

Agenda Report No. 06-0061

TO: Mayor and City Council

SUBJECT: SRS Electronic Payments for Park Recreation Centers

INITIATED BY: Finance Department

AGENDA: Consent

Recommendations: Approve the agreement.

Background: The Kansas Department of Social and Rehabilitation Services (SRS) has been offering Electronic Benefit Transfers (EBT) through the Vision Card since 1996. Electronic Benefit Transfers (EBT) has been an efficient method of benefit delivery and has eliminated the need to issue cash assistance checks and paper food coupons. SRS is now mandating that childcare subsidy benefits be added to the EBT program.

Analysis: The State of Kansas has contracted with Efunds Corporation to provide electronic payments for childcare services. The City's ten recreation centers receive SRS childcare payments primarily through the Summer of Discovery program. It is necessary for the City to enter into an agreement with Efunds Corporation in order to receive childcare payments electronically after September 1, 2005

Financial Considerations: The Park and Recreation Department receives approximately \$100,000 each year from the State of Kansas for Child Care Provider services. After September 1, 2005, SRS will only make payments electronically through the Federal Reserve's automated clearing house (ACH). The City will forego this revenue if the City does not enter into the agreement for electronic childcare payments. Efunds provides a terminal for swiping SRS Vision cards that will assist in reconciliation of bank accounts and tracking of individual payments. The terminals rent for \$18/month. Ten recreation centers need the terminals for an ongoing cost of \$2,160/year to be paid for by the Park Department.

Legal Considerations: The Department of Law has reviewed and approved the agreements as to form.

Recommendation/Actions: It is recommended that the City Council approve the agreements for Electronic Childcare Benefits Distribution and authorize the Mayor to sign.

Agenda Item No. 10a.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0062

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Douglas from McComas to Flora
(Districts IV & VI)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The Capital Improvement Program includes funding for a 36" Water Main in Douglas from McComas to Flora.

Analysis: The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of the water main in Douglas from McComas to Flora. The Staff Screening and Selection Committee selected MKEC for the design on November 15, 2005.

Financial Considerations: Payment to MKEC will on a lump sum basis of \$55,250, and will be funded by the Water Utility

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 10b.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0063

TO: Mayor and City Council Members

SUBJECT: Agreement for Design Services for Casa Bella Addition (north of Pawnee, west of 127th Street East) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Agreement.

Background: The City Council approved the water distribution system, sanitary sewer, drainage and paving improvements in Casa Bella Addition on December 20, 2005.

Analysis: The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer, drainage and paving in Casa Bella Addition. Per Administrative Regulation 7a, staff recommends that R&B be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Financial Considerations: Payment to R&B will be on a lump sum basis of \$95,000 and will be paid by special assessments.

Legal Considerations: The Agreement has been approved as to form by the Law Department.

Recommendation/Action: It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

Agenda Item No. 11a.

CITY OF WICHITA
City Council Meeting
January 24, 2006

Agenda Report No. 06-0064

TO: Mayor and City Council Members

SUBJECT: Acquisition of Utility Easement for the North Area Sewer Project
(District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On October 21, 2003, the City Council approved the construction of force mains; pump stations, and gravity-flow sewer lines to serve northwest Wichita. The project requires the acquisition of easements on several tracts of land. Five easements remain to be acquired. One of the required easements is across the front of a vacant strip of land owned by the seller.

Analysis: The project requires the acquisition of a fifteen-foot permanent easement and a one hundred foot temporary easement across the east part of the property. The easements and damages to improvements were valued at \$2,500. This amount was offered to the property owner and accepted.

Financial Considerations: A budget of \$3,000 is requested for the acquisition. This amount includes \$2,500 for the acquisition and \$500 for closing costs and title insurance. The funding source is the sewer utility.

Legal Considerations: The Law Department has approved the contact as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the budget; 2) Approve the Real Estate Purchase Contract and; 3) Authorize all necessary signatures.

- **Agenda Item No. 11b.**

CITY OF WICHITA
City Council Meeting
January 24, 2006

Agenda Report No. 06-0065

TO: Mayor and City Council Members

SUBJECT: Acquisition of Utility Easement for the North Area Sewer Project
at 2107 North 135th Street West (District V)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On October 21, 2003, the City Council approved the construction of force mains; pump stations, and gravity-flow sewer lines to serve northwest Wichita. The project requires the acquisition of easements on several tracts of land. Five easements remain to be acquired. One of the required easements is across the front of the single-family residence at 2107 North 135th Street West.

Analysis: The project requires the acquisition of a forty-foot permanent easement and a one hundred foot temporary easement across the east part of the property. The construction will require the removal of a shelter belt of trees and pecan trees and damage the existing septic system. The easements and trees were valued at \$20,000. This amount was offered to the property owner and accepted.

Financial Considerations: A budget of \$21,000 is requested for the acquisition. This amount includes \$20,000 for the acquisition and \$1,000 for closing costs and title insurance. The funding source is the sewer utility.

Legal Considerations: The Law Department has approved the contact as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the budget; 2) Approve the Real Estate Purchase Contract and: 3) Authorize all necessary signatures.

Agenda Item No. 11c.

CITY OF WICHITA
City Council Meeting
January 24, 2006

Agenda Report No. 06-0066

TO: Mayor and City Council Members

SUBJECT: Acquisition of Pipeline Easements and Temporary Easement for Integrated Local Water Supply Plan (Harvey County)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Analysis: Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. Sixteen of the twenty-two have been secured. Two additional landowners (Bergkamp and Beugelsdijk) of the identified sites have agreed to provide the four parcels we sought as pipeline easements and temporary construction easements to the City of Wichita for a respective \$10,220, or the equivalent to \$1,400 per acre.

Financial Considerations: A budget of \$11,420 is requested; this includes \$10,220 for acquisition and \$1,200 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the permanent easement; and 3) Authorize all necessary signatures.

Agenda Item No. 11d.

CITY OF WICHITA
City Council Meeting
January 24, 2006

Agenda Report No. 06-0067

TO: Mayor and City Council Members

SUBJECT: Acquisition of a Portion of 7700 East Kellogg for the East Kellogg Improvement Project (District II)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisition.

Background: A portion of the property at 7700 East Kellogg is required for the planned East Kellogg/Rock Road Improvement Project. The property is improved with the Town East regional shopping mall and several free standing commercial buildings. The proposed improvements require 97,955 square feet. This includes 63,028 square feet of parking along Kellogg, 4,681 square feet of parking along Rock Road and 30,246 square feet of the sites currently occupied by a restaurant and a motel.

Analysis: The land being acquired and the restaurant building were appraised for \$4,460,000. This value is for the real estate only and does not include any costs associated with damage to the remainder of the mall or the cost to reconstruct parking and interior drives. A settlement amount of \$5,150,000 has been negotiated with the owner of the mall. In addition, the seller will receive 70,000 square feet of land from City-owned property located adjacent to the mall. Also, Armour Drive from Kellogg to Douglas is to be renamed Town East Mall Drive. This settlement does not include the motel leasehold, which is subject to a separate negotiation.

Financial Considerations: The Capital Improvement Program includes funds for

acquisitions. The funding source will be local sales tax revenues. A budget of \$5,225,000 is requested. This includes \$5,150,000 for the acquisitions, \$50,000 for demolition and \$25,000 for closing costs, surveys, environmental studies, title insurance and other transaction costs.

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council approve the budget and the real estate purchase contract; and authorize all necessary signatures.

Agenda Item No. 12.

CITY OF WICHITA
City Council Meeting

January 24, 2006

Agenda Report No. 06-0068

TO: Mayor and City Council Members

SUBJECT: Contract for Outside Legal Services – *Genesis Health Club, Inc., et al v. City of Wichita*, Case No. 05 CV 3410

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Approve amendment to existing contract with outside counsel to increase maximum payment for fees and expenses..

Background: In September of 2005, the City was sued by Genesis Health Club, Inc. and some affiliated businesses in connection with a proposed Industrial Revenue Bond project that never culminated in the issuance of bonds. On September 28, 2005, the City Manager approved a contract with the firm of Hite, Fanning and Honeyman L.L.P. to defend the City in that lawsuit. The maximum payment for fees and expenses in that contract was \$24,000.

Analysis: Hite, Fanning & Honeyman has performed substantial legal work in defending the City over the past three months and the maximum amount of fees and expenses set out in the original contract has been met. In order to continue to represent the City adequately in this matter such maximum amount needs to be increased by \$50,000.

Financial Considerations: The fees and expenses for the City's defense of this lawsuit

will be paid out of the Economic Development fund.

Legal Considerations: The amendment to the original contract for legal services was drafted and approved as to form by the Law Department.

Recommendations/Actions: Approve the amendment to the contract, increasing the maximum amount of fees and expenses that may be paid thereunder to \$74,000, and authorize the Mayor to sign.

Agenda Item 13.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0069

TO: Mayor and City Council

SUBJECT: Conveyance of Equipment, Cessna Aircraft Company. (Districts III & IV)

INITIATED BY: City Manager's office

AGENDA: Consent

Recommendation: Adopt the Resolution.

Background: On December 14, 2004, the City Council approved the issuance of Industrial Revenue Bonds (Series VIII, 2004) in the amount of \$51,800,000, for the purpose of purchasing, acquiring, constructing and installing an industrial and commercial facility for the benefit of Cessna Aircraft Company. Included in the property financed by the 2004 Bonds is certain tooling used to develop prototypes of the new Mustang aircraft. On December 1, 2005, the City of Wichita received notice from Cessna Aircraft Company of its intention to exercise its option to purchase a portion of the Project consisting of the Mustang Tooling and to redeem and pay a like amount of principal of the Series VIII Bonds, in order to facilitate relocation of the tooling to Independence, Kansas.

Analysis: Pursuant to the terms of Article VIII of the Lease, Cessna Aircraft Company has notified the City of its intent to exercise its option to purchase the Tooling. The City has been advised by Bond Counsel that Cessna has the right to obtain release of this property.

Financial Considerations: There is no financial impact to the City resulting from the

requested change. The purchase price is \$1,000 and other considerations as listed under the provision of the Lease Agreement.

Legal Considerations: The City Attorney's office has reviewed and approved the Resolution and all necessary documents as to form.

Recommendations/Actions: It is recommended that City Council adopt the Resolution waiving the notice provisions of the Lease, and authorizing Supplemental Indenture the Bill of Sale and execution and delivery of a partial release of 14th Supplemental Lease and for the purpose of releasing the Tooling from the Lease and Indenture, and authorize the necessary signatures.

Agenda Item No. 14.

**City of Wichita
City Council Meeting
January 24, 2006
Agenda Report No. 06-0070**

TO: Mayor and City Council

SUBJECT: Contract with HUMATEC

INITIATED BY: Law Department

AGENDA: Consent

Recommendation: Authorize contract amendment for additional consultant services.

Background: The City has retained the engineering firm of NS Ventures, Ltd. d/b/a Humatec, through its employees, William N. Nelson, Stephan P. Buckley and Mark A. Heidebrecht, to provide professional advice and expert witness services for the city in pending civil rights litigation involving the Wichita Police Department.

Analysis: The original contract provided for compensation not to exceed \$20,000. An additional \$25,000 was authorized by resolution in October 2005. The additional amount is necessary for continued professional examination of the engineering aspects of the case, in preparation for trial and for services related to testimony as expert witnesses. This will be the second amendment to the contract. The Law Department recommends acceptance of the contract. The additional sums are necessary for the representation in city litigation matters and are reasonable in amount.

Financial Considerations: Funding for this contract is from the Self-Insurance Fund.

Legal Considerations: The Amendment to the Agreement has been prepared and approved as to form by the Department of Law.

Recommendations/Actions: Approve the amendment to the agreement between the City and NS Ventures, Ltd. d/b/a Humatec to authorize payment of an additional sum of \$60,000 for the provision of additional consulting services in 2006, together with any necessary fund transfers and authorize the Mayor to execute the contract.

Agenda Item 15.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0071

TO: Mayor and City Council

SUBJECT: 2006-2007 City Council Goals

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the 2006-2007 City Council goals

Background: The City Council and staff participated in a Strategic Opportunities Retreat in November 2005. During the retreat, the group developed and prioritized a list of 2006-2007 goals for the City of Wichita. The goals were further refined by staff and presented to the City Council in a workshop on January 10, 2006.

Analysis: The following goals are recommended for approval by the City Council:

- Provide a safe and secure community
- Promote economic vitality and affordable living
- Ensure efficient infrastructure
- Enhance quality of life
- Support a dynamic core area and vibrant neighborhoods

Financial Considerations: None.

Legal Considerations: None.

Recommendation/Actions: It is recommended that the City Council approve the 2006-2007 goals.

Agenda Item No. 16.

City of Wichita
City Council Meeting

(REVISED 01/23/2006. CORRECTED TO CIP INSTEAD OF GENERAL FUND)

January 24, 2006

Agenda Report No. 06-0072

TO: Mayor and City Council Members

SUBJECT: Proposed 2006 Contracted Street Maintenance Program (All Districts)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Contracted Street Maintenance Program.

Background: Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2006 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

Street Maintenance Budget	\$ 4,918,910
Capital Investment Maintenance Program (<i>CIP</i>)	<u>762,400</u>
Total Contracted Street Maintenance Program	\$ 5,681,310

Analysis: The City of Wichita is responsible for maintenance of over 1,660 miles of paved streets, and 100 miles of dirt streets. In addition, the City maintains 285 bridges and 30 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2006 program will provide repairs to approximately 12 miles of arterial streets and 24 miles of residential streets. The arterial street work will focus on concrete repairs, crack repairs, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. Two bridges are also scheduled for bridge deck rehabilitation.

Attached are listings of proposed locations for each City Council District, as well as a City map of locations in the 2006 program. Expenditures are balanced so that funds are equally distributed among the six City Council Districts.

Financial Considerations: The proposed total expenditure for Contracted Street Maintenance Programs is \$5,681,310. Funds have been approved in the 2006 Budget for these programs.

Recommendation/Action: It is recommended that the City Council approve the programs.

Agenda Item 17.

City of Wichita

City Council Meeting

January 24, 2006

Agenda Report No. 06-0073

TO: Mayor and City Council

SUBJECT: G.R.E.A.T. (Gang Resistance Education and Training) Grant

INITIATED BY: Wichita Police Department

AGENDA: Consent

Recommendations: Approve the grant application.

Background: The U.S. Department of Justice Office of Justice Programs announced a competitive grant opportunity available to local law enforcement agencies to support the implementation of the G.R.E.A.T. Program. The G.R.E.A.T. Program is a school-based violence prevention curriculum. G.R.E.A.T. lessons, are taught by law enforcement officers, and focus on providing life skills to students to help avoid delinquent behavior and violence to solve problems. The G.R.E.A.T. program is designed to produce attitude and behavior change through a unique combination of skills training, cooperative learning, discussion and role-playing. Deadline for grant applications is February 2, 2006.

Analysis:

The G.R.E.A.T. Program will address the Wichita School District's goal of providing a safe learning environment as well as meet two of Wichita Police Department's goals and objectives regarding the 2004 Gang Plan Response Prevention and Intervention Actions:

- • The department will collaborate with USD 259 to integrate the G.R.E.A.T. program into the school curriculum. This program will be presented during summer activities and by School Resource Officers (SROs) next school year.
- • SROs will plan a joint education meeting involving USD 259 parents, students, gang unit officers and the District Attorney.

Financial Considerations: Grant funding is requested in the amount not to exceed \$100,000 from the U.S. Department of Justice Office of Justice Programs. This grant does require a 10% (\$10,000) in-kind match of the federal funds received, which will be met through City SROs personnel time dedicated to teaching G.R.E.A.T.

Legal Considerations: None

Recommendation/Action: Approve the grant application and authorize the necessary signatures.

Agenda Item No. 18.

**City of Wichita
City Council Meeting
January 24, 2006**

Agenda Report No. 06-0074

TO: City Council Member

SUBJECT: Review of land use proposals for urban renewal property on the East and west bank of the river

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendations: Notify participants that their proposals for the urban renewal property on the east and west bank of the river have been deferred until further notice.

Background: On November 19, 2005, the City published a 30-day notification inviting competing redevelopment proposals for the Boathouse and West Bank properties under the Urban Renewal regulations for public owned property. The City received 5 proposals for the Boathouse and 1 proposal for the West Bank by the December 19, 2005 deadline.

The City Council took action on January 26, 1993 to lease land to the Arkansas River Foundation to renovate the former Senior Center facility for a proposed boathouse with various boating activities that included the Wichita Rowing Association, the Wichita Sailing Club, Wichita State University Crew, RiverKids, and Canoe and Kayak Club. The lease agreement allowed William Koch and supporters of the Boathouse project to contribute funds to the Arkansas River Foundation to renovate the Senior Center facility into a recreated Boathouse that resembled the 1920 facility located near the Murdock Street Bridge. The City was obligated to reimburse Community Development Block Grant proceeds for the Boathouse property that was subject to H.U.D. regulations for non-eligible CDBG uses. The current philosophy of the City Council is not to sell river corridor land, but considered leasing ground for public uses as it has in the past.

In August of 1997, the City Council took action to reclaim ownership of the Boathouse property from the Arkansas River Foundation and agreed to take over the facility operations and maintenance of the "Jayhawk" yacht that Mr. Koch donated to the City. Beginning in January 1998, the City made significant capital improvements to the Boathouse and has continued to maintain the facility after suspending daily operations in December 2004. From 1998-2004, the Boathouse operated at an average loss of \$31,000 per year. In 2005, the Boathouse was vacant and will remain vacant in 2006. It is possible that the Boathouse could resume future functions in 2007 once public improvements within the WaterWalk Development are completed to properly assess parking needs for the facility as well as the need to address ADA issues that currently exist with the removal of the annex addition.

Analysis: On January 10, 2006 at a City Council Workshop, staff made a presentation on the Boathouse and West Bank redevelopment proposals and received a general consensus from the City Council to defer taking any immediate actions on the redevelopment proposals.

A revised copy of WaterWalk Development Master Plan and copy of the Boathouse and West Bank proposals matrix is attached with this agenda report for you to review.

Financial Considerations: None

Legal Considerations: None

Recommendation/Actions: It is recommended that the City Council authorize the City Manager to notify each participant in the land use redevelopment proposal process for the urban renewal property on the east bank of the river that all proposals have been deferred until further notice and authorize the City Manager to begin preliminary discussions with the proposer of the west bank redevelopment proposal.

Agenda Item No. 18a.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0094

TO: Mayor and Council Members

SUBJECT: Regional Economic Area Partnership (REAP) Membership Dues

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the annual membership dues for the Regional Economic Area Partnership (REAP).

Background: The Regional Economic Area Partnership (REAP) is an organization whose membership includes 32 municipalities and county governments in Butler, Cowley, Harvey, Kingman, Reno, Sedgwick and Sumner counties. The City of Wichita has participated as a member of REAP since 1997. Currently, Mayor Mayans serves as the City of Wichita representative to REAP, with Council Member Martz as the alternate.

Analysis: REAP activities are funded in part with assessments upon the members. The fee is calculated based on the size of the entity and a per capita assessment. At the December REAP meeting, the proposed 2006 Work Plan and the budget were approved

by the REAP governing body. The 2006 Work Plan includes supporting partnerships with the State of Kansas to maintain affordable air fares through and from Wichita's Mid-Continent Airport and identifying opportunities for the South Central Kansas region to take advantage of geographic location and economic resources to enhance economic development. Under the membership formula, the assessment for the City of Wichita is \$26,050.

Financial Considerations: The 2006 Adopted Budget includes funding for REAP membership in the non-departmental memberships line item.

Legal Considerations: As a legally recognized entity, REAP may assess membership dues based on a vote of a majority of its members cities and approved by the respective governing bodies.

Recommendation/Action: Approve the payment of membership dues to REAP.

Agenda Item 20.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0075

TO: Mayor and City Council Members

SUBJECT: DED 2005-30 -- Dedication of a Utility Easement, Located East of Hood and South of 29th Street North. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication. (10-1)

This Dedication was included with all the plats on the Consent Agenda for the January 5, 2006 MAPC meeting. The negative vote indicated a Commissioner's concern regarding drainage plans for plats.

Background: This Dedication is associated with a lot split case (SUB 2005-110). The Dedication is for construction and maintenance of public utilities.

Analysis: The Dedication has been reviewed and approved by the Planning Commission.

Financial Considerations: None.

Legal Considerations: The Dedication will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedication.

Agenda Item No. 21.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0076

TO: Mayor and City Council Members

SUBJECT: DED 2005-31 -- Dedication of a Sidewalk and Utility Easement for Property Located East of Hood and South of 29th Street North. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication. (9-0)

Background: This Dedication is associated with a lot split case (SUB 2005-131), and is being dedicated for construction and maintenance of a sidewalk and public utilities

Analysis: This Dedication has been reviewed and approved by the Planning Commission.

Financial Considerations: None.

Legal Considerations: The Dedication will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedication.

Agenda Item No. 22.

**City of Wichita
City Council Meeting
January 24, 2006**

Agenda Report No. 06-0077

TO: Mayor and City Council Members

SUBJECT: DED 2005-32 -- Dedication of Access Control for Property Located West of Maize Road and on the South Side of 21st Street North. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedication.

MAPC Recommendation: Accept the Dedication. (9-0)

Background: This Dedication is associated with a lot split case (SUB 2005-107). The Dedication is for access control, except for one opening, along 21st Street.

Analysis: The Dedication has been reviewed and approved by the Planning Commission.

Financial Considerations: None.

Legal Considerations: The Dedication will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedication.

Agenda Item No. 23.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0078

TO: Mayor and City Council Members

SUBJECT: DED 2005-33 -- Contingent Dedication of Street Right-of-Way and DED 2005-34 -- Dedication of a Utility Easement, Located East of Seneca and North of 31st Street South. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedications.

MAPC Recommendation: Accept the Dedications. (10-1)

These Dedications were included with all the plats on the Consent Agenda for the January 5, 2006 MAPC meeting. The negative vote indicated a Commissioner's concern regarding drainage plans for plats.

Background: The Dedications are associated with a lot split case (SUB 2005-125). The Dedications are for additional street right-of-way along Diane Street (contingent upon the widening of Diane Street), and for construction and maintenance of public utilities.

Analysis: The Dedications have been reviewed and approved by the Planning Commission.

Financial Considerations: None.

Legal Considerations: The Dedications will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedications.

Agenda Item No. 24.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0079

TO: Mayor and City Council Members

SUBJECT: DED 2005-35 -- Dedication of Street Right-of-Way; DED 2005-36 -- Dedication of Access Control; DED 2005-37 -- Dedication of Access Control and DED 2005-38 -- Dedication of Street Right-of-Way, for Property Located South of Pawnee and West of Meridian. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Accept the Dedications.

MAPC Recommendation: Accept the Dedications. (10-1)

These Dedications were included with all the plats on the Consent Agenda for the January 5, 2006 MAPC meeting. The negative vote indicated a Commissioner's concern regarding drainage plans for plats.

Background: The Dedications are associated with a lot split case (SUB 2005-111), and are being dedicated for street right-of-way along Pawnee Avenue and complete access control, except for one opening, along Pawnee Avenue.

Analysis: The Dedications have been reviewed and approved by the Planning Commission.

Financial Considerations: None.

Legal Considerations: The Dedications will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council accept the Dedications.

Agenda Item No. 25.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0080

TO: Mayor and City Council Members

SUBJECT: SUB 2004-123- Plat of Koker Addition, Located North of Central and on the West Side of 119th Street West. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

Background: This site, consisting of 13 lots on 2.25 acres, is located with Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for water and paving improvements. Restrictive Covenants have been submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being platted for drainage purposes; 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street; and 3) outline restrictions for lot-owner use for platting of narrow street right-of-way with adjacent 15-foot street drainage and utility easements. A Drive Approach Closure Certificate was submitted requiring the closure of any existing drive approaches on 119th Street West located within the area of complete access control. An Off-site Drainage Agreement has also been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Legal Considerations: The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat and authorize the necessary signatures.

Agenda Item No. 26.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0081

TO: Mayor and City Council Members

SUBJECT: SUB 2004-131 -- Plat of Wilson Meadow Addition, Located South of 53rd Street North and East of Seneca. (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

Background: This site, consisting of three lots on 4.54 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District. The City Environmental Health Department has approved this site for on-site sewerage facilities.

Analysis: A Petition, 100 percent, and a Certificate of Petition have been submitted for sanitary sewer improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and

recording within 30 days.

Financial Considerations: None.

Legal Considerations: The Certificate of Petition will be recorded with the Register of Deeds.

Recommendations/Actions: Approve the document and plat, authorize the necessary signatures and adopt the Resolution.

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Agenda Item No. 27.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0082

TO: Mayor and City Council Members

SUBJECT: SUB 2005-109 -- Plat of Emerald Bay Estates Addition, Located on the West Side of West Street and North of 21st Street North. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning (Consent)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

Background: This site, consisting of 63 lots on 113.47 acres, has recently been annexed into Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Analysis: Petitions, 100 percent, and a Certificate of Petitions have been submitted for paving, sewer, water and drainage improvements. Restrictive Covenants were submitted to: 1) create a Lot Owners' Association for the ownership and maintenance of the proposed reserves being

platted for drainage purposes; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street. An Emergency Access Easement has also been submitted. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Financial Considerations: None.

Legal Considerations: The Certificate of Petitions, Restrictive Covenants and Emergency Access Easement will be recorded with the Register of Deeds.

Recommendations/Actions: It is recommended that the City Council approve the documents and plat, authorize the necessary signatures and adopt the Resolutions.

Agenda Item No. 28.

**City of Wichita
City Council Meeting
January 24, 2006**

Agenda Report No. 06-0083

TO: Mayor and City Council

SUBJECT: VAC2005-00038 Request to vacate platted access control and a portion of the platted setback, generally located on the northeast corner of the 13th Street North and Greenwich Rd. intersection.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

Background: The applicant has applied for the vacation of the complete access control along the length of its 13th Street North and Greenwich Rd. frontages. The applicant proposes replacing the existing six (6) drives along its 13th Street North frontage with three (3) drives as follows: two (2) right in/right out drives and one (1) full movement drive. The applicant also proposes replacing the existing three (3) drives along its Greenwich Rd. frontage with two (2) drives as follows: one (1) right in/right out drives and one (1) full movement drive. Spacing of the proposed drives is closer to conformance to the current access control standards. There is platted access control on the adjacent west and south properties (The Home Bank & Trust Company Addition and The Gateway Center 2nd Addition), which will be a part of the consideration of the proposed drives. The applicant is also proposing to vacate a portion of a platted 75-foot setback that is generally located on the north 272-feet (starting 50-foot south of its northwest corner) of its Greenwich Road frontage. A proposed lot split of Lot 2 will create a new lot on the north end of the site's Greenwich frontage. The applicant proposes to replace it with a 35-foot setback. The site is part of CUP DP-224, which has two existing lots of a similar size to the new lot and both have 35-foot setbacks along their street frontages; a 35-foot setback is the minimum setback for a CUP. No utilities, water, sewer or manholes are located within the proposed vacated portions of the setbacks or access control. There is a platted easement along the site's Greenwich Rd. frontage. The Dillon 12th Addition was recorded with the Register of Deeds on August 15, 1997.

Analysis: The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order, a dedication of access control by separate instrument and a dedication of setback by separate instrument will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 29.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0084

TO: Mayor and City Council

SUBJECT: VAC2005-00043 Request to vacate a platted utility easement, generally located west of Yosemite Court-Yosemite Street intersection, on the north side of Yosemite Street. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

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Background: The applicant is requesting the vacation of a portion of the platted 10-foot side yard utility easement as described. There are no utilities, manholes or water and sewer lines in the platted easement. There is no future need for the easement. The applicant proposes a boundary shift on the site to create a larger lot. The Southern Ridge Addition was recorded with the Register of Deeds on January 15, 2003.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 30.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0085

TO: Mayor and City Council

SUBJECT: VAC2005-00047 Request to vacate a portion of a platted setback located on the southwest corner of Harry Street and Lockmoor Street (east of Webb Rd.)
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

Background: The applicants are requesting consideration to vacate the north 4-feet of the platted 25-foot front yard setback. A mortgage survey revealed an encroachment of less than a foot into the platted front setback. The vacation will clear the encroachment and satisfy a requirement of the mortgage company. Per the UZC, the "SF-5" zoning district has a 25-foot front setback; this is the same as the site's platted 25-foot setback. If the setback was not platted, the 25-foot setback could be reduced by 20% through an Administrative Adjustment. There are no utilities, sewer lines, manholes or water lines in the platted setback. There are no platted easements in the platted setback. The Red Oaks First Addition was recorded with the Register of Deeds on June 15, 1978.

Analysis: The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

Financial Considerations: None.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Agenda Item No. 31.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0086

TO: Wichita Airport Authority

SUBJECT: Airport Improvement Program Land Acquisition – 4444 North Webb Road Colonel James Jabara Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority

Recommendation: Approve the grant application.

Background: On November 4, 2003 the City Council approved the purchase of property located adjacent to Colonel James Jabara Airport. At that time it was noted that an FAA grant would pay for a portion of the acquisition once funds were available.

Analysis: Funds are now available and staff has prepared a grant application to submit to the FAA.

Financial Considerations: A grant application has been prepared in the amount of \$630,404 for this purpose. The Airport's matching portion of five-percent will be funded with G.O. bonds paid with airport revenue.

Legal Considerations: None.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the grant application and receipt of funds, and authorize the necessary signatures once FAA approval and funding is established.

Agenda Item No. 32.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0087

TO: Wichita Airport Authority

SUBJECT: Taxiway “H” Site Development Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the project and contract.

Background: Airport Development is included in the Capital Improvement Program. This project will include utility extensions and road construction adjacent to Taxiway “H” to facilitate tenant development in that area.

Analysis: A request for proposals was issued to solicit professional services. Professional Engineering Consultants was the only submittal received, and a contract has been prepared.

Financial Considerations: The contract amount for design and bid phase services is \$49,935. The total project cost is estimated to be \$530,000. The project will be paid for with General Obligation bonds paid for with Airport Revenue.

Legal Considerations: The Law Department has approved the Contract and the Authorizing Resolution as to legal form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the contract, adopt the resolution, approve the capital budget and authorize necessary signatures.

Agenda Item No. 33.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0088

TO: Wichita Airport Authority

SUBJECT: Purchase of Airfield Sweeper
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Initiate purchase of equipment.

Background: The 2006 Capital Improvement Program includes a project to purchase airfield equipment. A solicitation has been prepared to purchase a new airfield sweeper to replace an 11-year old airfield sweeper.

Analysis: Reliability of this equipment is critical in order to remove foreign debris from the airfield pavement. The new equipment will operate more efficiently and economically.

Financial Considerations: Estimated cost of the equipment is \$150,000, which will be funded with Passenger Facility Charge (PFC) collections.

Legal Considerations: None.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the capital project budget, and authorize staff to solicit bids.

Agenda Item No. 34.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0089

TO: Wichita Airport Authority

SUBJECT: Assignment of Leases and Consent to Assignment & Estoppel Certificate
Wichita Airport Facilities, Inc. to Koch Business Holdings, L.L.C.
Hangar 16 – Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the assignment and consent to assignment and the estoppel certificate.

Background: Wichita Airport Facilities, Inc. (WAF) currently leases Hangar 16, located at 1700 Airport Road on Wichita Mid-Continent Airport. WAF has no further need of Hangar 16, and is desirous of assigning the lease to Koch Business Holdings, L.L.C. As a part of this assignment, Koch will assume all responsibilities associated with the lease agreement.

This transaction was reviewed by the Wichita Airport Advisory Board at its January 9, 2006 meeting, and the WAAB recommends approval of the assignment.

Analysis: Koch is a long-term tenant of the Wichita Airport Authority, and currently occupies a facility adjacent to Hangar 16. Assignment of this lease to Koch will provide Koch with a facility to accommodate both current and future growth of its company.

Financial Considerations: There is no direct financial impact to the WAA during the initial term of the agreement, which is through October 31, 2013. However, Koch will, prior to occupancy, invest up to \$250,000 for a roof replacement and facility stabilization of the south side of Hangar 16 in exchange for an extension of the lease agreement beyond 2013. Land rent will be adjusted per WAA policy commencing November 1, 2013 by supplemental agreement.

Legal Considerations: The Law Department has approved the Assignment and Consent to Assignment and the Estoppel Certificate as to form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the Assignment of Leases and Consent to Assignment and Estoppel Certificate, and authorize the necessary signatures.

Agenda Item No. 35.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0090

TO: Wichita Airport Authority

SUBJECT: Sublease Agreements between Wichita Airport Facilities, Inc.
and Eaglejet Aviation for use of Hangars 17, 19 & 28
Wichita Mid-Continent Airport

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the sublease agreements.

Background: Wichita Airport Facilities, Inc. (WAF) currently leases Hangars 17, 19 and 28 located on Wichita Mid-Continent Airport. WAF is no longer interested in providing fixed base and maintenance operations on this airport and has sold this business to Eaglejet Aviation. As part of that arrangement, Eaglejet Aviation will sublease Hangars 17 and 19 directly from WAF. Hangar 28, which is currently vacant, will be subleased to Eaglejet on an as-needed basis whenever Eaglejet has need for additional storage space. However, WAF will still market the hangar for lease on a long-term basis. Eaglejet will assume the FBO privileges, rights, responsibilities and public service obligations.

This transaction was reviewed by the Wichita Airport Advisory Board at its January 9, 2006 meeting, and the WAAB approved acknowledgment of the sale of the fixed base operator assets and privileges, and the subleases of Hangars 17, 19 and 28.

Analysis: In that this is a sublease arrangement, WAF remains responsible for the requirements outlined in the original agreement between the Wichita Airport Authority and the WAF. Terms of the sublease agreement are subordinate to the original agreement.

Financial Considerations: None.

Legal Considerations: The Law Department has approved the subleases as to form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve the Sublease Agreement for Hangars 17 & 19 and the Sublease Agreement for Hangar 28, and authorize the necessary signatures.

Agenda Item No.36.

City of Wichita
City Council Meeting

January 24, 2006

Agenda Report No. 06-0091

TO: Wichita Airport Authority

SUBJECT: Contract for Outside Legal Services -- Delta Airlines Complaint
With FAA Re: Airtran Airlines

INITIATED BY: Law Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve amendment to existing contract with outside counsel to increase maximum payment for fees and expenses.

Background: In December 2004 the City Manager retained the law firm of Palmer & Dodge to represent the interests of the Wichita Airport Authority in connection with a complaint filed with the Federal Aviation Administration by Delta Airlines challenging the relationship between the City of Wichita and AirTran Airlines entered into in May 2004. This agreement was for an initial amount not to exceed \$24,000. The contract was amended by the Council on September 13, 2005, to increase authorized payments to \$75,000. The firm has provided representation since that time and the matter remains pending with the FAA. There is some additional legal work necessary to fully protect the interests of the Wichita Airport Authority that will exceed the limits of the existing contract as amended. In addition, the firm of Palmer & Dodge has merged with another firm and the new name of the firm is Edwards, Angell, Palmer & Dodge. The attorney who has provided the legal services to date has not changed with the merger.

Analysis: In order to continue to represent the Wichita Airport Authority adequately in this matter the maximum amount that can be expended for fees and expenses under the existing contract needs to be increased to \$99,000.

Financial Considerations: The fees and expenses for the City's defense of this lawsuit will be paid by the Wichita Airport Authority.

Legal Considerations: The Law Department has approved the amendment to the contract for legal services as to form.

Recommendations/Actions: Authorize the Mayor to execute the amendment to the contract on behalf of the Wichita Airport Authority increasing the maximum amount of fees and expenses that may be expended under the agreement with Edwards, Angell, Palmer & Dodge to \$99,000.

Agenda Item No. 37.

CITY OF WICHITA
City Council Meeting
January 24, 2006

Agenda Report No. 06-0092

TO: Wichita Airport Authority

SUBJECT: Acquisition of 1504 South Ridge Road for Wichita Mid-Continent Airport

INITIATED BY: Property Management

AGENDA: Airport Consent

Recommendation: Approve the acquisition.

Background: Wichita Airport Authority has approved a master plan to acquire real estate within the boundaries of West Harry Street, Ridge Road, Airport Road and West Mariposa for airport related development. The property located at 1504 South Ridge Road lies within the proposed master plan. The site has 20,090 square feet and is zoned Single Family. Improvements consist of a vacant, 976 square foot single-family residence.

Analysis: The property is currently listed for sale on the open market at \$75,000. The City had the property appraised in December 2005. The appraised value of \$75,000 was offered to the owner. The owner has agreed to sell the property for this amount, plus commissions and fifty percent of closing costs. The improvements will be raised if the improvements are not sold and the site reserved for future airport use.

Financial Considerations: A budget of \$98,325 is requested and includes the \$75,000 purchase price, \$20,000 for demolition, environmental services and airport administrative services, \$350 acquisition fee and \$2,975 title work, commissions, and closing costs. The cost of this acquisition will be paid for with General Obligation Bonds funded with Airport Revenue.

Legal Considerations: The Law Department has approved the resolution and contract as to legal form.

Recommendation/Action: It is recommended that the Wichita Airport Authority; 1) Approve the Budget; 2) Adopt the resolution; 3) Approve the Real Estate Purchase Contract and 4) Authorize the Mayor to sign the necessary documents.

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Agenda Item No. 38.

City of Wichita
City Council Meeting
January 24, 2006

Agenda Report No. 06-0093

TO: Wichita Airport Authority

SUBJECT: Raytheon Aircraft Services – Supplemental Agreement No. 4

INITIATED BY: Airport Department

AGENDA: Wichita Airport Authority (Consent)

Recommendation: Approve the supplemental agreement.

Background: Raytheon Aircraft Services currently leases the facility located at 2190 Airport Road. The term of the agreement is through January 31, 2005, and includes two ten-year renewal options, subject to the renegotiation of all fees, charges and rentals. Rental during the option periods is to be at fair market value. Raytheon has requested that they be allowed to exercise the first option; however, that they be allowed to terminate the agreement any time after February 1, 2008 by giving a 180-day written notice to the Wichita Airport Authority.

Analysis: The Martens Commercial Group was engaged to determine the fair market rental value. Land rent is established per Wichita Airport Authority policy.

Financial Considerations: Rental will be retroactive to February 1, 2005. During the ten-year extension, facility rent will generate \$52,442.41 per year. Land rent during the first year will be \$62,770.84, and will increase 5% each year. This compares to a past rental rate of \$13,200 for facility rent and \$8,168 for land rent.

Legal Considerations: The Law Department has approved the supplemental agreement as to form.

Recommendations/Actions: It is recommended that the Wichita Airport Authority approve Supplemental Agreement No. 4, and authorize the necessary signatures.